

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

Thursday, January 21, 2010, 10:00 a.m.
City of La Quinta
City Council Chambers
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by the Chair Ellen Way at 10:18 a.m. on January 21, 2010 at Palm Desert, California.

Roll Call (Board Members Only)

Board Members Present:

Tom Davis, Jeff Hays, Red Martinez, Edward Muzik, Ellen Way. The Board Secretary stated that a quorum was present.

Staff Present:

Jose Angel, Terry Barnes, Mary Castañeda, Jose Cortez, Abdi Haile, Robert Perdue, Jon Rokke, Hilda Vasquez, Doug Vu.

Others Present:

Steve Bigley, CVWD
Ruben Mireles, Cit of Brawley
Mayumi Okamoto, Office of Enforcement, SWRCB
Tom Vandenberg, Office of the Chief Counsel, SWRCB

MINUTES

1. Minutes of November 19, 2009 Board Meeting

MOTION: Red Martinez moved, Jeff Hays seconded, and motion carried unanimously that the Minutes be adopted.

PUBLIC FORUM

2. No Public Comments.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. R7-2010-0003 Special Board Order No. R7-2010-0003 amending Cease and Desist Order No. R7-2008-0008 issued to **City of Brawley**, Owner/Operator, Municipal Wastewater Treatment Plant and Wastewater Collection and Disposal Systems, Brawley – Imperial County (Amending)
4. R7-2010-0005 Administrative Civil Liability Order No. R7-2010-0005 for Mandatory Minimum Penalties in the Matter of **McCabe Union School District**, Owner/Operator Municipal Wastewater Treatment Plant, El Centro – Imperial County (New)

MOTION: Jeff Hays moved, Tom Davis seconded. The motion carried unanimously that Order No. R7-2010-0003 be adopted. Order number R7-2010-0005 was moved to the March Board meeting in Palm Desert.

RESOLUTION

5. R7-2010-0002 Resolution No. R7-2010-0002, **Expressing Appreciation to Jon Edney.**

MOTION: Tom Davis moved, Red Martinez seconded. The motion carried unanimously that Order No. R7-2010-0002 be adopted.

EXECUTIVE OFFICER PERFORMANCE EVALUATION

6. The Board discussed whether to provide a performance evaluation of its Executive Officer and, if so, the criteria, methodology, and process to be used for that evaluation. The Board took a motion and voted following this discussion to have an Annual Performance Review regarding the Executive Officer.

MOTION: Ed Muzik moved, Jeff Hays seconded. The motion carried unanimously that there will be an Annual Performance Review regarding the Executive Officer.

OTHER BUSINESS

7. Election of Regional Board Chair and Vice-Chair for Calendar Year 2010

Ellen Way was re-elected as Chair and Jeff Hays was re-elected as Vice Chair of the Regional Board.

MOTION: Tom Davis moved, Ed Muzik seconded. The motion carried unanimously.

8. Informational Update on State Water Resources Control Board Activities – TV

Mr. Vandenberg briefly discussed two State Water Board activities: the status of the Board's Once Through Cooling Policy for power plants that use ocean water for cooling purposes; and the Board's recently published Notice of Proposed Rulemaking to amend the Board's CEQA regulations. He added that the Board will consider adoption of the CEQA regulations at its public hearing on February 17, 2010.

9. Colorado River Basin Water Board Executive Officer's Report – RP

On December 16, Board Member Red Martinez and I went on a tour of the area along Highway 10, near Desert Center on the way to Blythe, where a few large Solar Projects are being proposed. As you will recall from the last Board Meeting, numerous projects have been proposed through out the desert southwest of California. The projects use a variety of technologies that need varying amounts of water to operate. Most projects are "dry cooling" using Air Condensing Cooling (ACC), essentially large fans, to dissipate heat generated from the steam turbines. Others use Stirling engines driven by parabolic mirror arrays, are not steam driven, and only need small amounts of water to clean mirrors and for dust control.

One of the solar sites in Desert Center we drove near, Genesis, proposes using "wet cooling": traditional, cooling towers using large amounts of high quality ground water to cool steam turbines.

On the tour, we first went to Corn Springs, which is a BLM Campground with a palm oasis and numerous petroglyphs, suggesting the canyon had been occupied by Native Americans as much as 10,000 years ago. Drinking water from the spring is available from a hand pump in the camp.

Next we went to the Chuckawalla State Prison. The prison pumps about 1,000,000 gallons of groundwater per day for the inmate's usage. After running waste water through the sewer treatment plant: the waste water is discharged to an alfalfa field, the alfalfa cut and then the alfalfa is disposed in a landfill. This waste water stream potentially could be recycled for use at one of the Solar projects.

After Chuckawalla, we drove to the nearby Blythe I natural gas electrical generating power plant, which uses traditional cooling towers to dissipate heat generated from a steam turbine. Blythe I sits on top of the Blythe escarpment. We drove a short distance down the face of the escarpment to the irrigated farmlands of the Blythe plane, essentially the top of the Colorado River accounting surface. Solar plants contemplating using water below the accounting surface for cooling will likely need to obtain a water right.

Then, we drove back to Desert Center and stopped at the gates of the former Kaiser Eagle Mountain iron mine, the location for the proposed Eagle Mountain mega landfill.

10. Colorado River Basin Water Board Member Comments

On December 22 of last year, Jose Angel and I attended a meeting in Calexico. The meeting was organized by Congressman Bob Filner, and its purpose of the meeting was to advance cleanup of New River on this side of the border.

Meeting Participants included:

Congressman Filner, his local Office Director;

Calexico Mayor and City staff;

Representatives from USEPA;

Staff from Army Corps of Engineers and US General Services Agency

Staff from Assemblyman Manuel Perez;

Executive Director of the Calexico New River Committee

CalEPA Deputy Secretary for Border Affair Ricardo Martinez

Staff from US IBWC out of El Paso, TX

- The USEPA made a good presentation about the binational projects in Mexicali and the resulting New River water quality improvements.
- CalEPA reported that it will lead coordination of state and local efforts to implement Assembly Bill 1079 to address local concerns about New River water quality. The Bill directs the Mexico-California Border Council, which is chaired by CalEPA Secretary Linda Adams, to develop a project to cleanup the New River on this side of the Border. The legislation appropriates \$800k to come up with a project to do so. The money will be used by Calexico as matching funds to release \$5M appropriated by Congress in 2007 to address New River problems on this side of the Border. CalEPA will form a working group to develop a project to cleanup the river on this side of the Border.
- We informed meeting participants that our data show there have been substantial and measurable water quality improvements as a result of the binational projects to the point that we are now in a position to consider addressing/tackling some of the remaining problems on both sides of the Border, not just in Mexicali. We suggested that federal and state legislation will likely be needed to tackle the problem on this side of the Border (e.g., limited exemption from CWA and CWC requirements and liability provisions).

Mr. Filner stated he is ready to help with the legislation, including additional authority needed for Feds to assist with the effort.

- The Army Corps reported it has about \$20 million already appropriated for New River cleanup.
- In sum, looks like there are about close to \$30 million already in place to "do something" about New River on this side of the Border and the Feds are going to help with the cleanup.
- Next month, CalEPA will have a kickoff meeting to start developing a cleanup project.

11. Colorado River Basin Water Board Chair's Report – EW

No report from Chair.

CLOSED SESSION

12. At any time during the regular session, the Board may adjourn to meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee [Authority: Government Code Section 11126(a)]; to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

No closed session.

ARRANGEMENTS FOR NEXT BOARD MEETING: Thursday, March 18, 2010, 10:00 a.m. in Palm Desert.

Adjournment: 11:27 a.m.